

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

Sand

PLAINTIFFS Wilmington Trust Company, in its capacity as indenture trustee with respect to senior notes and debentures issued by Delphi Corporation

DEFENDANTS Delphi Corporation and its debtor affiliates and subsidiaries

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Kirkpatrick & Lockhart Nicholson Graham, LLP, 599 Lexington Avenue, New York, NY 10022, (212) 536-3900

ATTORNEYS (IF KNOWN) Skadden, Arps, Slate Meagher & Flom LLP, 4 Times Square, New York, NY (212) 735-3000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Appeal of a final order entered by the Bankruptcy Court pursuant to 28 U.S.C. 158(a)(1)

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

05-44481 #3813

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 AGRICULTURE	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 620 FOOD & DRUG	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	MED MALPRACTICE	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 130 MILLER ACT	LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF	<input type="checkbox"/> 450 COMMERCE/ICC
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	PROPERTY	RATES/ETC
INSTRUMENT	SLANDER	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 630 LIQUOR LAWS	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	INJURY PRODUCT	<input type="checkbox"/> 640 RR & TRUCK	<input type="checkbox"/> 470 RACKETEER INFLU-
OVERPAYMENT &	EMPLOYERS'	LIABILITY	<input type="checkbox"/> 650 AIRLINE REGS	ENCED & CORRUPT
ENFORCEMENT OF	LIABILITY	PERSONAL PROPERTY	<input type="checkbox"/> 660 OCCUPATIONAL	ORGANIZATION ACT
JUDGMENT	<input type="checkbox"/> 340 MARINE		SAFETY/HEALTH	(RICO)
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 152 RECOVERY OF	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING		<input type="checkbox"/> 490 CABLE/SATELLITE TV
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	LABOR	<input type="checkbox"/> 810 SELECTIVE SERVICE
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE	PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 850 SECURITIES/
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	STANDARDS ACT	COMMODITIES/
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT	EXCHANGE
OVERPAYMENT OF	INJURY		RELATIONS	<input type="checkbox"/> 875 CUSTOMER
VETERANS BENEFITS			<input type="checkbox"/> 730 LABOR/MGMT	CHALLENGE
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			REPORTING &	12 USC 3410
<input type="checkbox"/> 190 OTHER CONTRACT			DISCLOSURE ACT	<input type="checkbox"/> 891 AGRICULTURE ACTS
<input type="checkbox"/> 195 CONTRACT PRODUCT			<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 892 ECONOMIC
LIABILITY			<input type="checkbox"/> 790 OTHER LABOR	STABILIZATION ACT
<input type="checkbox"/> 198 FRANCHISE			LITIGATION	<input type="checkbox"/> 893 ENVIRONMENTAL
			<input type="checkbox"/> 791 EMPL RET INC	MATTERS
			SECURITY ACT	<input type="checkbox"/> 894 ENERGY
				ALLOCATION ACT
				<input type="checkbox"/> 895 FREEDOM OF
				INFORMATION ACT
				<input type="checkbox"/> 900 APPEAL OF FEE
				DETERMINATION
				UNDER EQUAL ACCESS
				TO JUSTICE
				<input type="checkbox"/> 950 CONSTITUTIONALITY
				OF STATE STATUTES
				<input type="checkbox"/> 890 OTHER STATUTORY
				ACTIONS

REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	VACATE SENTENCE
<input type="checkbox"/> 230 RENT LEASE &	<input type="checkbox"/> 443 HOUSING	28 USC 2255
EJECTMENT	ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY
<input type="checkbox"/> 246 TORT PRODUCT	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 540 MANDAMUS & OTHER
LIABILITY	DISABILITIES -	<input type="checkbox"/> 550 CIVIL RIGHTS
<input type="checkbox"/> 290 ALL OTHER	EMPLOYMENT	<input type="checkbox"/> 555 PRISON CONDITION
REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH	
	DISABILITIES -OTHER	
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☒ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court
AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Wilmington Trust Company
1100 North Market Street
Wilmington, DE 19890-1615
New Castle County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Delphi Corporation
World and North American Headquarters
5725 Delphi Drive
Troy, Michigan 48098-2815
Oakland County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE 8/8/06 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[x] YES (DATE ADMITTED Mo. June Yr. 1986)
Attorney Bar Code # EF1619

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)